

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Defendants.

Civil Case No. 2:22cv00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et al.

Defendants.

Civil Case No. 2:22cv-00294-JRG
(Member Case)

JURY TRIAL DEMANDED

**SAMSUNG’S MOTION FOR A SHORTENED
RESPONSE TIME TO MOTION TO STAY (Dkt. 187)**

Pursuant to Local Rule 7(e), Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. move for an order to shorten the period for Plaintiff Netlist, Inc. to respond to Samsung’s Motion To Stay Pending Resolution of the C.D. Cal. Case Reversed and Remanded by the Ninth Circuit Regarding Samsung’s License (Dkt. 187).

Given the imminent close of fact discovery, scheduled for November 13, 2023, the Court should shorten the time for Netlist to respond to Samsung’s Motion To Stay. Netlist has had nearly a week to consider its position on Samsung’s motion. In particular, Samsung notified

Netlist of its intent to file a Motion to Stay on October 18, 2023, one day after the Ninth Circuit issued its decision that reversed and remanded the order of the Central District of California that erroneously and summarily found that Netlist's license to Samsung had been terminated. Fact discovery is scheduled to close on November 13, 2023, and the parties anticipate expending significant resources completing fact discovery prior to that date, including conducting depositions in multiple continents (indeed, Netlist has served 25 deposition notices to date).

Accordingly, Samsung respectfully seeks an order for Netlist to respond to Samsung's motion by Monday, October 30, 2023, and for Samsung to file a reply by Thursday, November 2, 2023, so that the motion may be fully briefed and heard, should the Court so direct, before the November 13, 2023 close of fact discovery.

Date: October 23, 2023

Respectfully submitted,

/s/ Michael J. McKeon

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*Attorneys for Defendants Samsung Electronics
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Samsung Semiconductor, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on October 23, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Michael J. McKeon

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules CV-7(h) and (i), counsel for the parties met and conferred telephonically on October 23, 2023. Sam Baxter attended for Plaintiff; Ruffin Cordell attended for Defendants. Netlist indicated that it opposes the motion.

/s/ Michael J. McKeon